

Message Text

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TO SECSTATE WASHDC IMMEDIATE 7445
AMEMBASSY BRASILIA IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 00417

EXDIS

BRASILIA FOR CODEL BAKER

EO 11652: GDS
TAGS:
8OREP, MX, PN
SUBJECT: DISCUSSION WITH GOM ON PANAMA CANAL TREATY

EMBASSY HAS PREPARED FOLLOWING MEMORANDUM OF CON-
VERSATION SUMMARIZING JANUARY 9 DISCUSSIONS ON THE
PANAMA CANAL TREATY WITH PRESIDENT LOPEZ PORTILLO AND
FOREIGN SECRETARY ROEL. IN RESPONSE ROEL'S SPECIFIC
REQUEST, THE EMBASSY AND CODEL BAKER AGREED TO SEND A
COPY OF THIS MEMORANDUM TO THE GOM FOR REVIEW AND AP-
PROVAL. WHEN GOM RESPONSE IS RECEIVED, EMBASSY WILL
INFORM THE DEPARTMENT AND CODEL BAKER.

QUOTE. SUBJECT: PANAMA CANAL TREATY

PARTICIPANTS: PRESIDENT JOSE LOPEZ PORTILLO
FOREIGN SECRETARY SANTIAGO ROEL GARCIA
SENATOR HOWARD H. BAKER, JR.
SENATOR EDWIN J. GARN
MR. FRANK MOORE
AMBASSADOR PATRICK J. LUCEY

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DATE AND PLACE: JANUARY 9, 1978, PRESIDENT'S RESID-
ENCE AND SECRETARIAT OF FOREIGN RELATIONS

THE FOLLOWING IS A SUMMARY OF THE JANUARY 9 CONVERSA-
TION AT LOS PINOS INVOLVING PRESIDENT LOPEZ PORTILLO,
SECRETARY ROEL, SENATORS BAKER AND GARN, MR. FRANK

MOORE, AND AMBASSADOR LUCEY CONCERNING PANAMA CANAL TREATY NEGOTIATIONS. DURING SUBSEQUENT DISCUSSION IN SECRETARY ROEL'S OFFICE, SENATOR BAKER AND OTHER PARTICIPANTS IN THE BREAKFAST CONVERSATION WITH

PRESIDENT LOPEZ PORTILLO DISCUSSED THE MAIN POINTS COVERED AND AGREED UPON AT THE LOS PINOS MEETING.

SENATOR BAKER INITIATED THE DISCUSSION AND SUMMARIZED HIS UNDERSTANDING OF THE MEETING AS FOLLOWS:

1. MEXICO UNDERSTANDS THAT PANAMA, IN FULL EXERCISE OF ITS SOVEREIGNTY, IS IN A POSITION TO ORDER ITS OWN FUTURE.

2. MEXICO IS GENERALLY SATISFIED WITH THE PROVISIONS OF THE TREATY AS SUBMITTED, PROVIDING THEY ARE ACCEPTABLE TO PANAMA.

3. MEXICO RECOGNIZES THAT IT IS THE RESPONSIBILITY OF PANAMA AND THE UNITED STATES TO AGREE UPON ANY AMENDMENTS TO THE TREATY AS DRAFTED.

4. IN THE SPIRIT OF NONINTERVENTION AND SELF-DETERMINATION, MEXICO WILL HAVE NO OBJECTION TO ANY AGREEMENTS OR AMENDMENTS REACHED BY THE U.S. AND CONFIDENTIAL

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PANAMA INCLUDING, IF DETERMINED BY THE PARTIES INVOLVED, ELIMINATION OF THE SEA-LEVEL CANAL PROVISION. IN ANY EVENT, PRESIDENT LOPEZ PORTILLO SAID THAT MEXICO AS A SOVEREIGN NATION COULD BUILD A SEA-LEVEL CANAL IF IT SO DESIRES.

5. MEXICO RECOGNIZES AND ACCEPTS THAT ANY FURTHER AMENDMENTS TO THE TREATY, FOR EXAMPLE REFERENCE TO PASSAGE OF WARSHIPS AND INCORPORATION OF THE OCTOBER 14 TORRIJOS-CARTER UNDERSTANDING REGARDING NEUTRALITY INTO THE TREATY, IS A MATTER FOR PANAMA TO DECIDE.

ACCORDING TO SENATOR BAKER, PRESIDENT LOPEZ PORTILLO REMARKED UPON THE DELICACY OF THE SITUATION BETWEEN PANAMA AND THE U.S. AND THE VOLATILITY OF THE CANAL ISSUE, ADDING THAT NEGOTIATION OF A NEW TREATY RELATIONSHIP WOULD SET THE TONE FOR U.S.-LATIN AMERICAN RELATIONS FOR YEARS TO COME.

SENATOR BAKER POINTED OUT THAT THE CANAL TREATY IS A VERY EMOTIONAL ISSUE IN THE U.S., AND THAT IN HIS JUDGMENT THE TREATIES IN THEIR PRESENT FORM COULD NOT

PASS THE SENATE. FROM HIS CONVERSATIONS WITH GENERAL TORRIJOS, HOWEVER, THE SENATOR HAD THE IMPRESSION, HE SAID, THAT TORRIJOS CAN ACCEPT CERTAIN AMENDMENTS TO THE TREATY. SENATOR BAKER SAID HE IS THEREFORE HOPEFUL THAT A PACKAGE OF AMENDMENTS/RESOLUTIONS CAN BE REACHED WHICH WILL BE ACCEPTABLE TO THE SENATE, THE U.S. GOVERNMENT AND PANAMA.

AMBASSADOR LUCEY OBSERVED THAT THE INSTITUTIONALIZATION OF CANAL RELATIONS WOULD HELP ASSURE ALL

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COUNTRIES OF CONTINUED USE OF THE CANAL AND GIVE THE PANAMANIAN GOVERNMENT AN IMPORTANT STAKE IN KEEPING THE CANAL OPEN.

AT THIS POINT, SENATOR GARN EMPHASIZED THE IMPORTANCE WHICH PRESIDENT LOPEZ PORTILLO ATTACHES TO THE OVERRIDING PRINCIPLE OF SOVEREIGNTY. HE NOTED, HOWEVER, THAT THE PRESIDENT IN RECOGNIZING PANAMA'S SOVEREIGNTY WAS NOT INTERESTED IN SPECIFYING THE INDIVIDUAL PROVISIONS OF THE TREATY, WHICH ARE A MATTER OF NEGOTIATION BETWEEN THE U.S. AND PANAMA.

SENATOR GARN OBSERVED THAT THE ENTIRE TREATY PROCESS WOULD ALSO INVOLVE HEARINGS BY THE SENATE ARMED SERVICES COMMITTEE, OF WHICH HE (SENATOR GARN) IS A MEMBER. HE SAID THAT THE ARMED SERVICES COMMITTEE WOULD SOON BE HOLDING HEARINGS ON THE DEFENSE ASPECTS OF THE TREATY, PARTICULARLY THE QUESTION OF CANAL DEFENSE DURING THE TREATY PERIOD AND AFTER THE YEAR 2000.

AMBASSADOR LUCEY COMMENTED ON THE IMPORTANCE WHICH
PRESIDENT CARTER ATTACHES TO THE TRIP OF SENATORS
BANKER AND GARN, NOTING THAT MR. MORE, CHIEF OF THE
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PRESIDENT'S CONGRESSIONAL RELATIONS STAFF, HAD BEEN
INCLUDED IN THE DELEGATION. SENATOR BAKER CONCURRED,
ADDING THAT HE HAD PERSONALLY INVITED MR. MOORE TO
ATTEND AND STATING THAT HE HAD CONVEYED FORMER PRES-
IDENT FORD'S WARM GREETINGS TO PRESIDENT LOPEZ
PORTILLO.

SENATOR BAKER THEN SUMMARIZED THE DISCUSSIONS HE HAD
HAD WITH SECRETARY ROEL IN THEIR RIDE OVER FROM LOS
PINOS TO THE SECRETARIAT. THE SENATOR SAID THAT HE
UNDERSTOOD THE PRESIDENT TO SAY THAT MEXICO COULD
ACCEPT ANY SUBSEQUENT AMENDMENTS TO THE TREATY AGREED
UPON BY BOTH PANAMA AND THE UNITED STATES. IN
OTHER WORDS, SENATOR GARN CLARIFIED, PRESIDENT LOPEZ
PORTILLO WOULD ACCEPT ANY SUCH AMENDMENTS IN AC-
CORDANCE WITH MEXICO'S PRINCIPLES OF SOVEREIGNTY AND
NONINTERVENTION.

IN RESPONSE, SECRETARY ROEL SAID THIS IS A VERY DELI-
CATE QUESTION. ON THE ONE HAND, MEXICO'S POSITION
IS "HANDS OFF" THE TREATIES. ON THE OTHER HAND HOW-
EVER, IT IS STRONGLY COMMITTED TO THE
PRINCIPLE OF PANAMA RECOVERING "ITS FULL SOVEREIGNTY."
IN THIS RESPECT, HE EXPLAINED, MEXICO'S ATTITUDE
TOWARD THE TREATY IS CONDITIONED BY THE MANNER IN
WHICH THE UNITED STATES' ATTITUDE TOWARD
SOVEREIGNTY--IN THE BROADEST SENSE OF THE TERM--
AFFECTS MEXICO.

AMBASSADOR LUCEY SAID THAT THE DISCUSSION WITH THE
PRESIDENT HAD TOUCHED UPON MEXICO'S ATTITUDE IF THE
PANAMA CANAL TREATY IS NOT RATIFIED BY THE SENATE.
SECRETARY ROEL DID NOT ELABORATE ON THIS POINT EXCEPT
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TO SAY THAT THE PRESIDENT HAD WARNED ABOUT THE CON-
SEQUENCES OF ANARCHISM IN THE EVENT THE TREATY WERE
NOT RATIFIED. THE SECRETARY COMMENTED THAT PRESIDENT
LOPEZ PORTILLO IS VERY PLEASED ABOUT PRESIDENT
CARTER'S CRITICAL ROLE IN MOVING THE PANAMA CANAL

TREATY FORWARD AFTER A PERIOD OF STALEMATE.

HE ASKED SENATOR BAKER FOR HIS ESTIMATE AS TO HOW MANY MEMBERS OF THE SENATE WERE AGAINST THE TREATY AND WHAT MODIFICATIONS, IF ANY, WOULD BE NECESSARY. SENATOR BAKER REPLIED THAT AT THIS POINT HE DID NOT KNOW PRECISELY WHAT WOULD BE REQUIRED FOR RATIFICATION, ALTHOUGH HE THOUGHT, FOR EXAMPLE, THAT SOME AMENDMENTS REGARDING THE CARTER-TORRIJOS UNDERSTANDING ON NEUTRALITY AND THE SEA-LEVEL CANAL PROVISION MIGHT BE IN ORDER.

IN RESPONSE TO A QUESTION FROM AMBASSADOR LUCEY AS TO WHETHER AMENDMENTS TO THE TREATY WOULD REQUIRE A NEW PLEBISCITE OR OTHER STEPS TO APPROVAL BY PANAMA, SENATOR GARN OBSERVED THAT THIS IS NOT CLEAR AT THIS STAGE, ALTHOUGH GENERAL TORRIJOS HAD INDICATED THAT INCORPORATION INTO THE TREATY OF HIS OCTOBER 14 UNDERSTANDING WITH PRESIDENT CARTER REGARDING THE MEANING OF THE NEUTRALITY TREATY WOULD PROBABLY NOT CAUSE SERIOUS PROBLEMS BECAUSE THIS UNDERSTANDING HAD BEEN REACHED PRIOR TO THE PLEBISCITE IN PANAMA.

RESPONDING TO SECRETARY ROEL'S QUESTION ABOUT THE ATTITUDE OF THE SENATE, SENATOR BAKER ALSO SAID THAT

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WHILE 20 SENATORS SEEM TO BE STRONGLY OPPOSED AND ABOUT 20 ARE CLEARLY IN FAVOR, THE BALANCE, AND THEREFORE THE GREAT MAJORITY, HAVE NOT YET REACHED A DECISION. SENATOR BAKER DID NOT THINK THAT ANY

AMENDMENT INVOLVING THE PROVISION ON THE SEA-LEVEL
CANAL WOULD POSE A SERIOUS PROBLEM.

AT THIS POINT THE DISCUSSION MOVED FROM PANAMA TO
OTHER ISSUES, PRIMARILY INVOLVING MEXICO AND THE
UNITED STATES. END QUOTE. LUCEY

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